

REMARKS/ARGUMENTS

Claims 1-7 and 9-20 are pending in this application. No claims have been amended, added, or cancelled with the filing of this Response.

As an initial matter, Applicants wish to thank the Examiner for indicating that none of the “X” references listed on the ISP are anticipatory, and that the previous obviousness rejection has been withdrawn. Applicants agree that the combination of Warzelhan et al. (US Patent No. 6,018,004) and Hager et al. (US Patent No. 5,373,058) does not describe or suggest the claimed invention. Reconsideration of the application is requested in view of the remarks below.

Rejection Under 35 U.S.C. § 103

The rejection of claims 1-7 and 9-20 are rejected under 35 U.S.C. § 103(a) as obvious over Liu et al. (US Published Pat. Appl. No. 2003/0092793) in view of Warzelhan et al. (US Patent No. 6,018,004) is respectfully traversed.

Applicants point out that when the components and features of the *biodegradable polyester mixture* of the present claims are compared to the disclosure of Liu et al. and Warzelhan et al., it is evident that the claimed mixture differs from the references and there is no apparent reason that would have prompted a person of ordinary skill to combine the elements or modify the reference in the manner presently claimed.

In particular, present claim 1 recites a biodegradable polyester mixture comprising:

from 5% to 80% by weight, based on the total weight of components i to ii, of at least one polyester based on aliphatic and aromatic dicarboxylic acids and an aliphatic dihydroxy compound (component i) and

from 20% to 95% by weight, based on the total weight of components i to ii, of at least one renewable raw material (component ii) and

from 0.1% to 15% by weight, based on the total weight of components i to ii, of a compound as component iii that comprises two or more epoxy groups in the molecule.

Regarding Liu et al., as appreciated and acknowledged by the Office in the present Office Action at page 3, lines 1-2, the reference generally describes a process for the preparation of a

biodegradable resin. However, the reference does not indicate, *inter alia*, the polyester in the manner presently claimed.

Regarding Warzelhan et al., the reference does not cure the deficiencies of Liu et al. For instance, as previously admitted by the Office in the Office Action mailed September 17, 2008, the reference does not indicate the specifically claimed biodegradable polyester mixture having a glycidyl acrylate and/or glycidyl methacrylate as a component iii.

Furthermore, there is no indication, as previously argued, that Warzelhan et al. nor any of the other reference of record describes the benefits achieved with the claimed biodegradable polymer mixtures. In particular, as described in the present specification, provides mixtures which contain a high fraction of inexpensive and ecologically sound renewables and which have improved degradation rates as well as good processing and mechanical properties. Present specification at page 2, lines 17-20; *see also* the Examples at pages 15-19 and Tables 1-3.

Therefore, the claimed mixture is novel and unobvious. Accordingly, reconsideration and withdrawal of the rejection is requested.

In view of the foregoing, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview may help to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 03-2775, under Order No. 12810-00192-US from which the undersigned is authorized to draw.

Dated: September 17, 2009

Respectfully submitted,

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